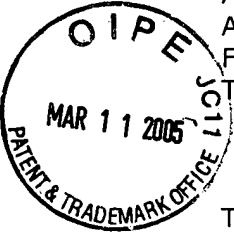


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No: 09/602,971
Applicant/Appellant: H. Brock Kolls
Filed: June 23, 2000
Title: AN INTERNET BASED NETWORK FOR AUTOMOTIVE
APPLICATIONS INCLUDING THE FACILITATION OF E-COMMERCE
AND E-BUSINESS, AND MANAGEMENT OF WIRELESS
CONNECTIVE WITH VEHICLES
TC/A.U.: 3622
Examiner: Stephen Michael Gravini
Confirmation No.: 1565
Docket No.: USE-655US



APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

S I R :

Appellant hereby request consideration and reversal of the Final
Rejection dated March 9, 2004, of claims 1-8, 10-16, 18, 19, 22, and 23.

This Brief is presented in the format required by 37 C.F.R. § 41.37, in
order to facilitate review by the Board. In compliance with 37 C.F.R. § 41.37(a), this
Brief is being filed within six months from the date of the Notice of Appeal, which
was filed on October 13, 2004. A four month extension of time under 37 C.F.R. §
1.136(a) is being filed concurrently herewith to extend the designated two month
period for response under 37 C.F.R. § 41.37(a) by four months for a total of six
months.

The fees for filing a Brief in support of an Appeal under 37 C.F.R. §
41.20(b)(2), together with the requisite extension fees required in connection with
the filing of this Brief, are provided herewith.

(i.) REAL PARTY IN INTEREST

The real Party In Interest in this matter is USA Technologies, Inc.
Corporation by virtue of an assignment from H. Brock Kolls to USA Technologies, Inc.
recorded on November 20, 2002, at Reel/Frame 013511/0537.

03/14/2005 HAL111 00000044 09602971

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(ii.) RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences related to the subject matter of this Appeal.

(iii.) STATUS OF CLAIMS

Claims 1-8, 10-16, 18, 19, 22, and 23 are presently pending and claims 9, 17, 20, 21 were previously canceled. Claims 1-8, 10-16, 18, 19, 22, and 23 stand rejected. Appellant is appealing the rejection of claims 1-8, 10-16, 18, 19, 22, and 23.

(iv.) STATUS OF AMENDMENTS

Appellant has not filed an amendment subsequent to the final rejection. The claims as they stand are set forth in the Claim Appendix.

(v.) SUMMARY OF CLAIMED SUBJECT MATTER

The following summary is provided for the independent claims and for select dependent claims. Exemplary references to the specification and figures of the application as originally filed are provided for purposes of illustration with respect to various embodiments of the invention.

Independent Claim 1 - Claim 1 is directed to a network system for effectuating data communication between a vehicle 314 and a data processing resource 356. *Page 11 lines 17-25, page 12, lines 1-7, page 52, line 8 through page 53, line 6, and figures 1B-1M, 2C, and 5.* The system includes an in-vehicle device 200 installed in the vehicle 314 and an internet appliance 322. *Page 7, lines 20-25, page 13, lines 16-25, page 14, lines 22-26, and figures 1B-1M, 2A-C, and 4.* The in-vehicle device 200 has a first wireless network connectivity interface 258. *Page 71, line 27 through page 72, line 5 and figure 4.* The internet appliance 322 has a second wireless network connectivity interface 134 that communicates data with the first wireless network connectivity interface 258 and a plurality of communication interfaces 136/144/146 that communicate data between said second wireless network connectivity interface 134 and the data processing resource 356 to effectuate data communication between the in-vehicle device 200 and the data processing resource 356. *Page 12, lines 1-7, page 13, lines 16-25, page 59, lines 20-22, page 60, line 10 through page 62, line 17, and figures 2A-2C, 3, and 4.*

Dependent Claim 12 - Claim 12 is directed to the network system of claim 1 where the internet appliance 322 is physically located at a store display 370 accessible by a customer. *Page 13, lines 16-19, page 25, line 12 through page 26, line 2, and figures 1P and 2C.*

Independent Claim 13 - Claim 13 is directed to a global network based data processing system for communicating data between vehicles 314 and data processing resources 356. *Page 11 lines 17-25, page 12, lines 1-7, page 13, lines 5-9, page 52, line 8 through page 53, line 6, and figures 1B-1M, 2C, and 5.* The system includes an internet appliance 322 and a data processing resource 356. *Page 7, lines 20-25, page 13, lines 16-25, page 52, line 8 through page 53, line 6, and figure 2C.* The internet appliance 322 has a wireless interface 134 that communicates data wirelessly with an in-vehicle device 200 installed in a vehicle 314. *Page 7, lines 20-25, page 14, lines 22-26, page 59, lines 2-22, and figures 1B-1M, 3, and 4.* The data processing resource 356 communicates with the internet appliance 322. *Page 52, lines 8-15 and figure 2C.* The in-vehicle device 200 by way of the communication interface device 322 communicates with the data processing resource 356. *Page 11, line 17 through page 12, line 7, page 13, lines 16-25, page 52, lines 8-15, and figures 2A-2C and 4.*

Dependent Claim 18 - Claim 18 is directed to the global network based data processing system of claim 13 where the internet appliance 322 is physically located at a store display 370 accessible by a customer. *Page 13, lines 16-19, page 25, line 12 through page 26, line 2, and figures 1P and 2C.*

Independent Claim 19 - Claim 19 is directed to a method of data communicating between an in-vehicle device 200 installed in a vehicle 314 and a data processing resource 356. *Page 11, lines 17-25, page 12, lines 1-7, page 52, line 8 through page 53, line 6, page 76, line 17 through page 79, line 12, and figures 1B-1M, 2C, 4, and 5.* The method includes communicating digital content wirelessly between an in-vehicle device 200 and an internet appliance 322 and routing the digital content from the internet appliance 322 to the data processing resource 356 (*step 404*). *Page 77, lines 12-23 and figure 5.* The data processing resource 356 determines return digital content responsive to the digital content (*step 408*) and the return digital content is routed to the internet appliance 322 (*step 410*). *Page 78 line 5 through page 79 line 7 and figure 5.* The return digital content is then communicated wirelessly between the internet appliance 322 and the in-vehicle device 200 for display within the

vehicle 314 and/or modification of a function of the vehicle 314 (*step 410*). *Page 79, lines 5-7 and figure 5.*

Dependent Claim 22 - Claim 22 is directed to the method of claim 19 where the step of communicating the digital content wirelessly includes communicating digital content wirelessly between an in-vehicle device 200 and an internet appliance 322 physically located at a store display 370 accessible by a customer. *Page 13, lines 16-19, page 25, line 12 through page 26, line 2, and figures 1P, 2C, and 4.*

(vi.) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- I.** Rejection of claims 1-8 and 10-12 as anticipated by U.S. Patent No. 6,202,008 to Beckert et al. (herein Beckert).
- II.** Rejection of claims 13-16 and 18 as anticipated by U.S. Patent No. 6,181,994 to Colson et al. (herein Colson).
- III.** Rejection of claims 19, 22, and 23 as anticipated by U.S. Patent No. 5,732,074 to Spaur et al. (herein Spaur).
- IV.** Rejection of claims 1-8, 10-12, 13-16, 18, 19, 22, and 23 as unpatentable over the examiner's personal experience with police radio or taxi cab operations.

(vii.) ARGUMENT

IA. (Claims 1-8 and 10-12 are not anticipated by Beckert)

Claims 1-8 and 10-12 stand rejected under 35 U.S.C. § 102(e) as anticipated by Beckert. Appellant respectfully submits, however, that these claims are allowable over Beckert for the reasons set forth below and, therefore, requests reversal of the rejection of these claims as anticipated by Beckert.

Beckert discloses a vehicle computer system with wireless Internet connectivity. In Beckert, a computer is mounted within a vehicle. The computer runs multiple applications including vehicle-related applications (e.g., security and diagnostic applications) and non-vehicle related applications (e.g., entertainment applications). The computer has an Internet wireless link that allows the applications to access content on the Internet.

Appellant's invention as recited by claim 1 includes the following features (at least one of which is neither disclosed nor suggested by Beckert):

an in-vehicle device installed in said vehicle, said in-vehicle device having a first wireless network connectivity interface; and

an internet appliance, said internet appliance having:

a second wireless network connectivity interface, said second wireless network connectivity interface data communicates with said first wireless network connectivity interface; and

a plurality of communication interfaces, said plurality of communication interfaces communicate data between said second wireless network connectivity interface and said data processing resource to effectuate data communication between said in-vehicle device and said data processing resource.

This means that an in-vehicle device has a first wireless network connectivity interface and an internet appliance has a second wireless network connectivity interface that communicates with the first wireless network connectivity interface. The internet appliance also has a plurality of communication interfaces that communicate data between the second wireless network connectivity interface and a data processing resource to enable data communication between the in-vehicle device and the data processing resource.

Beckert is devoid of any teaching or suggestion of an internet appliance that communicates wirelessly with an in-vehicle device and has a plurality of communication interfaces. As described in the specification "[a]n Internet appliance 322 can data communicate wirelessly to an in-vehicle device 200, and simultaneously data communicate wired or wirelessly over the Internet to Internet based data processing resources, and to other data processing resources." See page 7, lines 22-25 of the application as originally filed. In Beckert, a vehicle computer system is described that includes an internet wireless link, i.e., a first wireless network connectivity interface. Beckert, however, fails to disclose, teach, or suggest an internet appliance that includes a second wireless network connectivity interface for communication with this first wireless connectivity interface and which also includes a plurality of communication interfaces.

As set forth in MPEP § 2131, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently

described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Since, Beckert fails to disclose, teach or suggest an internet appliance having a second wireless network connectivity interface and a plurality of network connectively interfaces, each and every element of claim 1 is not found in Beckert. Thus, claim 1 is not anticipated by Beckert. Accordingly, appellant contends that claim 1 is allowable and requests that the rejection of claim 1 as anticipated by Beckert be overturned.

Claims 2-8 and 10-12 include all the features of claim 1, from which they ultimately depend (either directly or indirectly). Thus, claims 2-8 and 10-12 are also allowable over Beckert for at least the reasons set forth above that claim 1 is allowable over Beckert. Accordingly, appellant requests that the rejection of claims 2-8 and 10-12 be overturned.

IB. (Claim 12 is not anticipated by Beckert for an additional reason)

Claims 12 stands rejected under 35 U.S.C. § 102(e) as anticipated by Beckert. Appellant respectfully submits, however, that claim 12 (which depends from claim 1 and is, thus, allowable over Beckert for the reasons set forth above under section IA of this brief) is allowable over Beckert for the additional reason set forth below.

Appellant's invention, as recited by claim 12, includes an additional feature that is neither disclosed nor suggested by the art of record, namely:

wherein said internet appliance is physically located at a store display accessible by a customer.

Beckert is entirely devoid of any teaching or suggestion of an internet appliance that is physically located at a store display. Accordingly, Beckert does not teach each an every limitation of claim 12, which, as discussed above, is required to establish anticipation.

Physically locating an internet appliance at a store display enables customers to query product information and access other types of digital content. The customer can research product information, or identify the correct product or products, and then make the physical selection from the store display, or request the assistance of a sales person to procure the product from warehouse stock, or other

non-customer accessible stock area. This feature is found in the specification at page 25, lines 15-21.

Since Beckert does not disclose an internet appliance physically located at a store display, appellant contends that claims 12 is allowable over Becker based on this additional feature (which is in addition to the allowable features of claim 1 from which claim 12 depends). Accordingly, appellant requests that the rejection of claim 12 as anticipated by Beckert be overturned for this additional reason.

IIA. (Claim 13-16 and 18 are not anticipated by Colson)

Claims 13-16 and 18 stand rejected under 35 U.S.C. § 102(e) as anticipated by Colson. Appellant respectfully submits, however, that these claims are patentable over Colson for the reasons set forth below and, therefore, requests reversal of the rejection of these claims as anticipated by Colson.

Colson discloses a method and system for vehicle initiated delivery of advanced diagnostics to a vehicle. In Colson, diagnostics are loaded into a vehicle and diagnostic results are sent to a diagnostic center. The diagnostics and results may be communicated over the Internet.

Appellant's invention as recited by claim 13 includes the following features (at least one of which is neither disclosed nor suggested by Colson):

an internet appliance, said internet appliance having a wireless interface, said wireless interface communicates data wirelessly with an in-vehicle device, said in-vehicle device being installed in a vehicle;
and

a data processing resource, said data processing resource data communicates with said internet appliance;

wherein said in-vehicle device by way of said communication interface device data communicates with said data processing resource.

This means that an internet appliance communicates wirelessly with an in-vehicle device and that a data processing resource communicates with the internet appliance. This enables the in-vehicle device to communicate with the data processing resource.

As described in the specification "[a]n Internet appliance 322 can data communicate wirelessly to an in-vehicle device 200, and simultaneously data communicate wired or wirelessly over the Internet to Internet based data processing resources, and to other data processing resources." See page 7, lines 22-25 of the application as originally filed. In Colson, a vehicle diagnostic system is described that may communicate diagnostic information over the Internet. Appellant contends, however, that Colson fails to disclose, teach, or suggest an internet appliance such as described in the specification.

As set forth in MPEP § 2131, and discussed above, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Since, Colson fails to disclose, teach, or suggest an internet appliance, each and every element of claim 13 is not found in Colson. Accordingly, appellant contends that claim 13 is allowable and requests that the rejection of claim 13 as anticipated by Colson be overturned.

Claims 14-16 and 18 include all the features of claim 13 from which they ultimately depend (either directly or indirectly). Thus, appellant contends that claims 14-16 and 18 are also allowable over Colson for at least the reasons set forth above that claim 13 is allowable over Colson. Accordingly, appellant requests that the rejection of claims 14-16 and 18 be overturned.

IIB. (Claim 18 is not anticipated by Colson for an additional reason)

Claims 18 stands rejected under 35 U.S.C. § 102(e) as anticipated by Colson. Appellant respectfully submits, however, that claim 18 (which depends from claim 13 and is, thus, allowable over Colson for the reasons set forth above under section IIA of this brief) is allowable over Colson for the additional reason set forth below.

Appellant's invention, as recited by claim 18, includes a feature that is neither disclosed nor suggested by the art of record, namely:

wherein said internet appliance is physically located at a store display accessible by a customer.

Colson is entirely devoid of any teaching or suggestion of an internet appliance that is physically located at a store display. Accordingly, Colson does not teach each and every limitation of claim 12, which, as discussed above, is required to establish anticipation.

As discussed above, physically locating an internet appliance at a store display enables customers to query product information and access other types of digital content. The customer can research product information, or identify the correct product or products, and then make the physical selection from the store display, or request the assistance of a sales person to procure the product from warehouse stock, or other non-customer accessible stock area. This feature is found in the specification at page 25, lines 15-21.

Since Colson does not disclose an internet appliance physically located at a store display, appellant contends that claim 18 is allowable over Becker based on this additional feature (which is in addition to the allowable features of claim 13 from which claim 18 depends). Accordingly, appellant contends that claim 18 is allowable and requests that the rejection of claim 18 as anticipated by Colson be overturned for this additional reason.

IIIA. (Claim 19 and 22 are not anticipated by Spaur)

Claims 19 and 22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Spaur. Appellant respectfully submits, however, that these claims are patentable over Spaur for the reasons set forth below and, therefore, requests reversal of the rejection of these claims as anticipated by Spaur.

Spaur discloses a mobile portable wireless communication system. In Spaur, an apparatus compatible with standardized network communication links manages communication of information between a remote computer and a vehicle. Communication may take place between the remote computer and the vehicle over the Internet.

Appellant's invention as recited by claim 19 includes the following features (at least one of which is neither disclosed nor suggested by Spaur):

- a) communicating a plurality of digital content wirelessly between an in-vehicle device and an internet appliance;

- b) routing said plurality of digital content from said internet appliance to said data processing resource;
- c) determining at said data processing resource a plurality of return digital content responsive at least in part to said plurality of digital content;
- d) routing said plurality of return digital content to said internet appliance; and
- e) communicating said plurality of return digital content wirelessly between said internet appliance and said in-vehicle device for at least one of display within the vehicle or modification of a function of the vehicle.

This means that digital content is communicated between an in-vehicle device and an internet appliance, which routes the digital content to a data processing resource. The data processing resource determines return digital content responsive to the digital content. The return digital content is then routed to the internet appliance, which communicates the return digital content to the in-vehicle device for display within the vehicle or modification of a function of the vehicle.

As described in the specification “[a]n Internet appliance 322 can data communicate wirelessly to an in-vehicle device 200, and simultaneously data communicate wired or wirelessly over the Internet to Internet based data processing resources, and to other data processing resources.” See page 7, lines 22-25 of the application as originally filed. Appellant contends that Spaur does not include such a device. Accordingly, Spaur fails to disclose, teach, or suggest (a) communicating a plurality of digital content wirelessly between an in-vehicle device and an internet appliance, (b) routing said plurality of digital content from said internet appliance to said data processing resource, (c) routing said plurality of return digital content to said internet appliance, and (d) communicating said plurality of return digital content wirelessly between said internet appliance and said in-vehicle device for at least one of display within the vehicle or modification of a function of the vehicle.

Further, Spaur does not teach the step of “communicating ... return digital content wirelessly between said internet appliance and said in-vehicle device for at least one of display within the vehicle or modification of a function of the vehicle” for an additional reason. In Spaur, data that originates from a device within a vehicle (i.e., an in-vehicle device) may be processed by a remote terminal. The

remote terminal may then "initiate further action in the way of sending information to the vehicle for adjusting or otherwise affecting the vehicle device that provided the data for analysis." See column 14, lines 31-39 of Spaur. Spaur includes no other reference to content returned to a vehicle in response to content originating from an in-vehicle device. Thus, Spaur teaches adjusting or affecting a vehicle device with returned content, rather than the display of returned digital content or modification of a function of the vehicle as recited in claim 19. Accordingly, Spaur does not disclose, teach, or suggest the step of "communicating said plurality of return digital content wirelessly between said internet appliance and said in-vehicle device for at least one of display within the vehicle or modification of a function of the vehicle" for this additional reason.

As set forth in MPEP § 2131, and discussed above, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Since, Spaur fails to disclose, teach, or suggest steps including an internet appliance and the display of return digital content or the modification of a function of the vehicle, each and every element of claim 19 is not found in Spaur. Accordingly, appellant contends that claim 19 is allowable and requests that the rejection of claim 19 as anticipated by Spaur be overturned.

Claim 22 includes all the features of claim 19 from which it depends. Thus, appellant contends that claim 22 is also allowable over Spaur for at least the reasons set forth above that claim 19 is allowable over Spaur. Accordingly, appellant requests that the rejection of claim 22 be overturned.

IIIB. (Claim 22 is not anticipated by Spaur for an additional reason)

Claims 22 stands rejected under 35 U.S.C. § 102(e) as anticipated by Spaur. Appellant respectfully submits, however, that claim 22 (which depends from claim 19 and would, thus, be allowable over Spaur for the reasons set forth above under section IIIA of this brief) is allowable over Spaur for the additional reasons set forth below and, therefore, requests reversal of the rejection of claim 22 as anticipated by Spaur for this additional reason.

Appellant's invention, as recited by claim 22, includes a feature that is neither disclosed nor suggested by the art of record, namely:

communicating a plurality of digital content wirelessly between an in-vehicle device and an internet appliance physically located at a store display accessible by a customer.

Spaur is entirely devoid of any teaching or suggestion of an internet appliance that is physically located at a store display. Accordingly, Spaur does not teach each and every limitation of claim 12, which, as discussed above, is required to establish anticipation.

As discussed above, physically locating an internet appliance at a store display enables customers to query product information and access other types of digital content. The customer can research product information, or identify the correct product or products, and then make the physical selection from the store display, or request the assistance of a sales person to procure the product from warehouse stock, or other non-customer accessible stock area. This feature is found in the specification at page 25, lines 15-21.

Since Spaur does not disclose an internet appliance physically located at a store display, appellant contends that claims 22 is allowable over Becker based on this additional feature (which is in addition to the allowable features of claim 19 from which claim 22 depends). Accordingly, appellant requests that the rejection of claim 22 as anticipated by Spaur be overturned for this additional reason.

IIIC. (Claim 23 is not anticipated by Spaur)

Claims 23 stands rejected under 35 U.S.C. § 102(e) as anticipated by Spaur. Claim 23 includes all the features of claim 13, from which it depends. Appellants contend that Spaur, like Colson (which is discussed above in section IIA of this appeal), does not disclose, teach, or suggest an internet appliance. Thus, claim 23 is allowable over Spaur and Colson since these reference (neither alone or in combination) disclose, teach, or suggest each and every element of claim 23; namely, an internet appliance. Accordingly, appellant contends that claim 23 is allowable and requests that the rejection of claim 23 as anticipated by Spaur be overturned.

IV. (Rejection of Claims 1-8, 10-16, 18, 19, 22, and 23 as Obvious in view of the Examiner Personal Experience is Improper)

Claims 1-8, 10-16, 18-19, and 22-23 stand rejected under 35 U.S.C. § 103(a) as “unpatentable over the examiner’s personal experience ... with police radio or taxi cab operations.” Appellant respectfully submits, however, that this rejection is improper for the reasons set forth below.

The examiner states that the “claimed invention contains automated features and are obvious variations to the examiner’s experience that is so old and well known that the examiner will use Official notice to obviate the claimed subject matter.” If such notice is taken, the examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge. See *Soli*, 317 F.2d at 946, 37 USPQ at 801; *Chevenard*, 139 F.2d at 713, 60 USPQ at 241. Further, conclusory statements can not be relied upon. See *In re Lee*, 277 F.3d 1338, 1344-45, 61 USPQ2d 1430, 1434-35 (Fed. Cir. 2002).

In the Office Action, the examiner considers the in-vehicle device “equivalent to a commonly known police or taxi cab radio.” In addition, the examiner considers the internet appliance to be “an automated feature of those performed by a radio dispatcher.” The examiner then states that “the recited connectivity, data processing resource, or digital content to be obvious variations to normal radio airwave connectivity, communication source of data (processing resource), or analog content.” These statements are merely conclusory statements, rather than statements based on sound technical and scientific reasoning, which are required for taking Official Notice. Thus, the rejection is improper since the examiner has failed to meet his burden for taking Official Notice.

Further, as set forth in the manual of patent examining procedure (MPEP) 2144.03(E):

It is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection was based. See *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697; *Ahlert*, 424 F.2d at 1092, 165 USPQ 421.

In rejecting claims 1-8, 10-16, 18, 19, 22, and 23 as unpatentable, the examiner relied solely on his personal experience with police radio and taxi cab

operations without providing "evidenciary support" in the record. Thus, the rejection is additionally improper for relying solely on the examiner's personal experience.

Accordingly, for the reasons set forth above, appellant contends that the rejection of claims 1-8, 10-16, 18, 19, 22, and 23 is improper and requests that the rejection of these claims based on the examiner's personal experience be overturned.

(viii.) CLAIMS APPENDIX

1. A network system for effectuating data communication between a vehicle and a data processing resource, said system comprising:

an in-vehicle device installed in said vehicle, said in-vehicle device having a first wireless network connectivity interface; and

an internet appliance, said internet appliance having:

a second wireless network connectivity interface, said second wireless network connectivity interface data communicates with said first wireless network connectivity interface; and

a plurality of communication interfaces, said plurality of communication interfaces communicate data between said second wireless network connectivity interface and said data processing resource to effectuate data communication between said in-vehicle device and said data processing resource.

2. The network system in accordance with claim 1, wherein said internet appliance further comprises:

a wireless data connection, said wireless data connection effectuates a data connection with a wireless device.

3. The network system in accordance with claim 2, wherein said wireless data connection includes at least one of the following:

a wireless transceiver interface;

said wireless device interface;

a wireless modem interface;

a wireless phone interface; or

a wireless data link.

4. The network system in accordance with claim 2, wherein said wireless device is at least one of the following:

a wireless phone;

a personal data assistant;

a pager;

a personal computer;

an internet appliance; or

a programmable storage device.

5. The network system in accordance with claim 1, wherein said in-vehicle device further comprises:

a wireless data connection, said wireless data connection effectuates a data connection with a wireless device.

6. The network system in accordance with claim 5, wherein said wireless data connection includes at least one of the following:

a wireless transceiver interface;

said wireless device interface;

a wireless modem interface;

a wireless phone interface; or

a wireless data link.

7. The network system in accordance with claim 5, wherein said wireless device is at least one of the following:

a wireless phone;

a personal data assistant;

a pager;

a personal computer;

an internet appliance; or

a programmable storage device.

8. The network system in accordance with claim 1, wherein said plurality of communication interfaces includes at least one of the following communication interface types:

a wired data link;

a wide area network connection;

a network connection;

a universal serial bus port;

a personal data assistant interface;

an RS232 interface;

an RS485 interface;

a carrier current interface;

- a network connection to the Internet;
- a modem interface;
- a wireless modem interface;
- a wireless phone transceiver;
- a wireless phone interface;
- a wireless data link; or
- a local area network interface.

10. The network system in accordance with claim 1, wherein said data processing resource is one of the following:

- a global network data processing resource;
- a global network server;
- a global network application server;
- a global network database;
- a virtual private network;
- an emergency monitoring network;
- a second communication interface device;
- a second in-vehicle device;
- a personal computer;
- a wireless phone;
- a personal data assistant;
- a pager;
- a pocket sized personal computer;
- a programmable storage device; or
- an internet appliance.

11. The network system in accordance with claim 1, wherein said plurality of communication interfaces data communicate by at least one of the following:

- a wireless connection;
- a wired connection;

a personal data assistant interface;
a wireless phone interface;
an RS232 serial interface;
an RS485 interface;
a USB port interface;
an ethernet connection;
a TCP/IP type network connection;
a PPP type network connection;
a SLIP type network connection;
a socket layer network connection;
BLUETOOTH protocol or standard; or
WIRELESS APPLICATION PROTOCOL or standard.

12. The network system in accordance with claim 1, wherein said internet appliance is physically located at a store display accessible by a customer.

13. A global network based data processing system for communicating data between vehicles and data processing resources, said system comprising:

an internet appliance, said internet appliance having a wireless interface, said wireless interface communicates data wirelessly with an in-vehicle device, said in-vehicle device being installed in a vehicle; and

a data processing resource, said data processing resource data communicates with said internet appliance;

wherein said in-vehicle device by way of said communication interface device data communicates with said data processing resource.

14. The global network based data processing system in accordance with claim 13, wherein said internet appliance further comprises:

a wireless data connection, said wireless data connection effectuates a data connection with a wireless device.

15. The network system in accordance with claim 14, wherein said wireless data connection includes at least one of the following:

a wireless transceiver interface;
said wireless device interface;
a wireless modem interface;

a wireless phone interface; or

a wireless data link.

16. The global network based data processing system in accordance with claim 14, wherein said wireless device is at least one of the following:

a wireless phone;

a personal data assistant;

a pager;

a personal computer;

an internet appliance; or

a programmable storage device.

18. The global network based data processing system in accordance with claim 13, wherein said internet appliance is physically located at a store display accessible by a customer.

19. A method of data communicating between an in-vehicle device installed in a vehicle and a data processing resource, said method comprising:

a) communicating a plurality of digital content wirelessly between an in-vehicle device and an internet appliance;

b) routing said plurality of digital content from said internet appliance to said data processing resource;

c) determining at said data processing resource a plurality of return digital content responsive at least in part to said plurality of digital content;

d) routing said plurality of return digital content to said internet appliance; and

e) communicating said plurality of return digital content wirelessly between said internet appliance and said in-vehicle device for at least one of display within the vehicle or modification of a function of the vehicle.

22. The method in accordance with claim 19 wherein, said communicating said plurality of digital content wirelessly step comprises the step of:

communicating a plurality of digital content wirelessly between an in-vehicle device and an internet appliance physically located at a store display accessible by a customer.

23. The global network based data processing system in accordance with claim 13, wherein said data processing resource is a global network based data processing resource.

(ix.) EVIDENCE APPENDIX

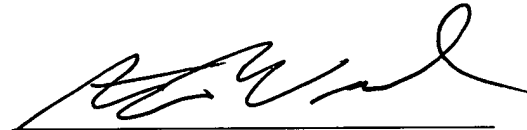
None.

(x.) RELATED PROCEEDINGS APPENDIX

None.

Respectfully submitted,

RatnerPrestia



Benjamin E. Leace, Reg. No. 33,412
Stephen Weed, Reg. No. 45,202
Attorneys for Appellant

SJW/sjw/kpc

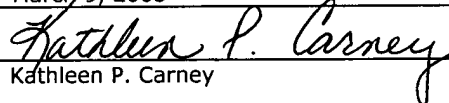
Dated: March 9, 2005

P.O. Box 980
Valley Forge, PA 19482-0980
(610) 407-0700

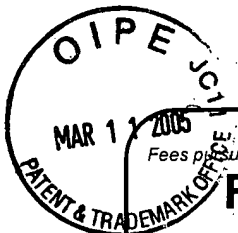
The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

March 9, 2005


Kathleen P. Carney

KPC_I:\USE\655US\APPEAL BRIEF.DOC



Effective on 12/08/04.

Fees pursuant to the Consolidated Appropriations Act. 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2005☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 250**Complete if Known**

Application Number	09/602,971
Filing Date	June 23, 2000
First Named Inventor	H. Brock Kolls
Examiner Name	Stephen M. Gravini
Art Unit	3622
Attorney Docket No.	USE-655US

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____
☒ Deposit Account Deposit Account Number: 18-0350 Deposit Account Name: RatnerPrestia

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**
☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEESFee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Small Entity	
Fee (\$)	Fee (\$)
50	25
200	100
360	180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>
_____ - 20 or HP =	_____ x	_____ =	_____	<u>Fee (\$)</u> <u>Fee Paid (\$)</u>
HP = highest number of total claims paid for, if greater than 20				
<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	
_____ - 3 or HP =	_____ x	_____ =	_____	
HP = highest number of independent claims paid for, if greater than 3				

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
_____ - 100 =	_____ / 50 =	_____ (round up to a whole number) x	_____ =	_____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): FILING A BRIEF IN SUPPORT OF AN APPEALFees Paid (\$)250**SUBMITTED BY**

Complete (if applicable)

Signature		Registration No. Attorney/Agent	45,202	Telephone	(610) 407-0700
Name (Print/Type)	Stephen J. Weed	Date	March 9, 2005		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.